IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.2145 OF 2003

Narayan Manakchand Gujrathi ..Petitioner

Vs.

Narayan Devichand Javare
and ors. ..Respondents

....

Mr.G.S.Godbole for Petitioner
Mr.A.P.Mishra with K.R.Tiwari for Respondent nos.1 and 2

....

CORAM : B.H.MARLAPALLE,J.

DATE : MARCH 21,2005

P.C.:

1. Heard Mr.Godbole, the learned counsel for the petitioner and Mr.A.P.Mishra holding for Mr.Tiwari, the learned counsel for the respondents nos.1 and 2.

2. Admittedly, there was a compromise between the parties before the Lok Adalat and the petitioner had agreed to hand over vacant and peaceful possession of the suit premises within a fixed period. However, the compromise could not be acted upon and therefore, this petition has been filed.

3. Once the matter was decided before the Lok Adalat and compromise was arrived at which became the decree by an order dated 13.1.2003, it would not be

expedient to entertain this petition. If the judgment debtor has not handed over the possession of the suit premises as of now, the time to do so is hereby extended till 31.3.2005, failing which, the decree holder is at liberty to take appropriate steps to recover possession of the suit premises.

4. Save and except the above relaxation, the petition stands rejected summarily. Interim relief stands vacated forthwith.

[B.H.MARLAPALLE,J.]